

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BILLY R. SIMPSON,)	CASE NO.: 3:10CV2033
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
)	
ROBERT WELCH,)	<u>ORDER AND DECISION</u>
)	
Respondent.)	
)	

The Court has examined the Report and Recommended Decision of Magistrate Judge White, submitted in this matter on September 20, 2011. Doc. 23. Upon due consideration, and no objections having been filed by the parties, the Court adopts the Report and recommended findings and conclusions of the Magistrate Judge and incorporates them herein. Therefore, it is ordered that petition is hereby DENIED.

Pursuant to 28 U.S.C § 1915(a)(3), the Court certifies that Petitioner may not take an appeal from the Court's decision in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

October 27, 2011

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE